

**BERRYVILLE TOWN COUNCIL  
MEETING AGENDA  
Regular Meeting (Amended 7/12/16)  
Berryville-Clarke County Government Center  
101 Chalmers Court, Second Floor  
Main Meeting Room  
Tuesday, July 12, 2016  
7:30 p.m.**

<u>Item</u>	<u>Attachment</u>
1. Call the Town Council to Order – Patricia Dickinson, Mayor	
2. Pledge of Allegiance	
3. Public Hearing-	
The Berryville Planning Commission sponsors an amendment to Article II, Section 201.1(b) R-1 Residential Uses Permitted by Right of the Berryville Zoning Ordinance in order to allow offices for Clarke County Public Schools and related non-profit organizations. TA 03-16	1↓
4. Approval of Minutes	
June 14, 2016 Regular Meeting	2
June 29, 2016 Continued Regular Meeting – Joint Meeting with Clarke County Board of Supervisors	3
July 8, 2016 Work Session	3a *
5. Citizens' Forum	
6. Report of Patricia Dickinson, Mayor	
Code of Conduct	3b↓ *
Committees	3c↓ *
7. Report of Christy Dunkle, Asst. Town Manager for Community Development	
Planning Department Monthly Report	4↓
8. Report of Keith Dalton, Town Manager	
9. Report of H. Allen Kitselman, III - Berryville Area Development Authority Liaison	
10. Report of Erecka Gibson – Chair, Budget and Finance Committee	
Report of Desiree Moreland, Treasurer	5

**Item**

**Attachment**

Motion to withhold the following expenditures from the Fiscal Year 2017 Budget pending recommendation from the Budget and Finance Committee: Compensation increases for all exempt employees, VDOT Street Maintenance Equipment Purchase (\$125,500), Public Works Improvements (\$62,250), and purchase of Police Cruiser (\$43,350). 6↓ \*\*

Motion to withhold the following expenditures from the Fiscal Year 2017 Budget pending recommendation from the Budget and Finance Committee: Emergency Medical Services (\$50,000) and CC Parks and Recreation (\$5,000). 7↓ \*\*

Motion for the Town to contract with a qualified accounting firm to map town accounting systems and internal controls. 8↓ \*\*

**11. Report of Donna McDonald – Chair, Community Improvements Committee**

**12. Report of Planning Commission Liaison**

**13. Report of David Tollett – Chair, Police and Security Committee**  
 Police Chief's Monthly Report 9

**14. Report of Patricia Dickinson – Chair, Streets and Utilities Committee**  
 Public Utilities Director's Report 10

Public Works Director's Report 11

**15. Report of Erecka Gibson – Chair, Personnel Committee**

**16. Other**

**17. Closed Session – No closed session scheduled**

**18. Adjourn**

↓ Denotes an item on where a motion for action is included in the packet

\* No attachment with original packet/ attachment provided at meeting

\*\* Corrected or updated attachment provided at meeting

# Additional Attachment

## 3a

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Berryville-Clarke County Government Center**  
**Work Session**  
**July 8, 2016**  
**1:30 p.m.**

**Town Council:** Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; David Tollett; Erecka Gibson

Absent- Donna Marie McDonald

**Staff:** Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk

**Press:** Jim McConville, Winchester Star

1. Call to Order

Mayor Dickinson called the meeting to order at 1:30 p.m.

2. Introductions

Mayor Dickinson said her desire is that the Council work as a team and have a good exchange of ideas and opinions. She noted that Council member McDonald was unable to attend the meeting.

3. Discussion – Policy Regarding Electronic Participation in Meetings from Remote Locations

Mr. Dalton explained the major elements of the State Code governing the proposed policy and the scenarios for when such meetings may occur both with and without a quorum present in one location. He noted that the proposed policy had been reviewed earlier in the day by the Town Attorney. Mayor Dickinson asked if the Town has the capability for an emergency electronic meeting when a quorum is not present and Mr. Dalton said that phones could be used. **Council member Gibson moved that the Council of the Town of Berryville adopt the attached Policy Regarding Electronic Participation in Meetings from Remote Locations and that it become effective immediately. Council Member Tollett seconded the motion.** Council member Kitselman said he was satisfied if the Town Attorney has reviewed and approved the Policy. The motion carried as follows:

Aye - Patricia Dickinson  
Harry Lee Arnold, Jr.  
Allen Kitselman  
Erecka Gibson  
David Tollett

Nay - None

Absent – Donna Marie McDonald

TOWN OF BERRYVILLE  
POLICY REGARDING ELECTRONIC PARTICIPATION  
IN MEETINGS FROM REMOTE LOCATIONS

Except as provided hereafter, Town Public Bodies do not conduct meetings wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

I. Quorum Physically Assembled

A member of a Town public body may participate in a meeting through electronic communication means from a remote location that is not open to the public:

1. if, on or before the day of a meeting, the member notifies the Mayor or Chairman that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body
  - a. approves the member's participation by a majority vote of the members present at a meeting and
  - b. records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated.

In deciding whether or not to approve a member's request to participate from a remote location, the public body shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.

If a member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.

Such participation by a member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer; or

2. if a member notifies the Mayor or Chairman that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes.

A member may participate in a meeting by electronic means pursuant to this section only when:

- a quorum of the public body is physically assembled at the primary or central meeting location; and
- the public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

II. Quorum Not Physically Assembled

The public body may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the public body shall

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the public body;
- make arrangements for public access to the meeting;
- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the public body and that have been made available to the public body's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- record minutes of the meeting; and
- record in the minutes votes taken by name in roll-call fashion.

For any meeting conducted pursuant to this section, the nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting. In addition, at such meetings the public body will make available to the public a public comment form prepared by the Virginia Freedom of Information Advisory Council.

### III. Reporting

If the public body meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

- the total number of electronic communication meetings held that year
- the dates and purposes of the meetings
- a copy of the agenda for each meeting
- the number of sites for each meeting
- the types of electronic communication means by which the meetings were held
- the number of participants, including members of the public, at each meeting location
- the identity of the members of the public body recorded as absent and those recorded as present at each meeting location

- a summary of any public comment received about the electronic communication meetings
- a summary of the public body's experience using electronic communication meetings, including its logistical and technical experience

+ + + + + + + + + + +

4. Discussion – Code of Conduct

Mayor Dickinson introduced the subject and noted the draft document in the agenda packet. Mr. Kitselman said that he assumed the inclusion of a code of conduct was directed at him. He apologized to Mayor Dickinson and Council member Gibson for the way his frustration had been expressed. He added that the proposed code of conduct tramples his right to express his opinions and oversteps his First Amendment rights. Recorder Arnold offered a revised draft that he said pared down the original version making it more concise. The Council discussed the versions. Council member Gibson asked whether the document would be signed by each member. Recorder Arnold said that because the Council would be adopting the policy, there was no need for signatures.

5. Discussion - Meeting Procedures

Mayor Dickinson referred to the Meeting Procedures in the agenda packet and asked Mr. Dalton to highlight the changes, and to discuss the proposal to audio record the meetings with audio files being made available on the website. Mr. Kitselman inquired about the necessary equipment. Mr. Dalton said that staff has started the research and with authorization from Council will continue to do so. He said the Town Council will have to adopt a written policy on the matter. The Council discussed the proposal. Mayor Dickinson suggested that a year's worth of files be stored on the website with the older ones coming down, and that file use be monitored to track whether the service is desired. Mr. Dalton asked whether the plan could be to start with only Town Council meetings, and the Council agreed. Mayor Dickinson said the Meeting Procedures document should be edited to add the comment that "Town Council meetings may be recorded" to alert meeting attendees to that possibility. Council member Tollett inquired about adding microphones for staff members to facilitate recording the meetings, and Mr. Dalton said he would check on the matter.

6. Discussion – Additional Agenda Items for July 12, 2016 Meeting

Mayor Dickinson noted there were additional items on next week's agenda that were not for discussion today. Council member Gibson referenced the motion to withhold expenditures from the 2017 Budget saying the new Council members want to understand how decisions are made and want to see a business case for the expenditures in question. She further explained that before the budgeted and appropriated salary increases are given, her wish is to review the salaries of exempt employees and study the job descriptions and the market for these positions to determine minimum, middle, and maximum amounts for salaries. Council member Gibson said there are other ways to compensate employees that would not look so bad to the citizens, adding that the public's perception of the Town is very poor. Mr. Kitselman said that may be the perception of some people, but not all. Council member Gibson said she would not be looking at individuals but at positions, saying there should not be a position where the salary is more than the market will bear. Recorder Arnold asked if a consultant would be hired. Mayor Dickinson said she was not sure, but that there may be information to conduct a salary survey on the internet that would provide what is necessary. Council member Gibson said that once the study has been done, her intention would be that the pay increases be retroactive for those whose increases were withheld but later found to be warranted. She added that market information may mean an increase in salary for some.

Mayor Dickinson referenced the motion to withhold funding for EMS and Parks and Recreation funding from Clarke County saying that her intention is to give the County notice that these payments may not come through in January so that they have time to adjust their budget. There was discussion of the two expenditures. Mr. Dalton explained the \$5000.00 contribution to Parks and Recreation saying that the Town had always given water for the swimming pool at no charge until the new water plant was built in the mid-1980s and the Town was no longer permitted to "give away" water. He said the solution had been this modest donation intended to offset the water charges to the County. Recorder Arnold explained that the Town has been reducing the contribution toward an EMS position gradually (this year by \$18,000.00) but that he does not think it should be eliminated all at one time. Council member Kitselman said that an assisted care facility is now being planned, and that this type of facility has the highest usage of EMS services. Council member Gibson asked the size of the County budget. A member of the audience offered the figure of \$45,000,000. Mayor Dickinson said the motion is intended to force the conversation about the extra \$50,000 donation to the County.

Council member Gibson referenced the motion to contract with a qualified accounting firm to map town accounting systems and internal controls for a cost not to exceed \$25,000. She said the Town has a small staff with no segregation of duties, and that it needs to show internal controls. She added that it is priceless to be able to say we are doing the right thing. She further stated that we have a policy for two signatures on checks and there is a lack of internal control because that policy is not being followed. Mr. Dalton noted that the type of review being requested is done annually as part of the audit. Council member Gibson asked if the information is available. Mr. Dalton referred the Council member to the management letter included with each audit. Council member Kitselman said the Town has always gotten a clean bill of health. Council member Gibson said the auditors may not offer additions to practices or controls. Mr. Dalton and Ms. Moreland both replied that the auditors have suggested additional practices and controls which have been implemented. Council member Kitselman said that we have a qualified auditing firm in place. Mr. Dalton reviewed Robinson Farmer Cox and said they specialize in auditing municipalities. He suggested the Council could meet with Robinson Farmer Cox in order to have some questions answered. Council member Kitselman said the firm could be requested to add to the scope of their services. Mayor Dickinson said that mapping is different from auditing. Recorder Arnold said the audits do mention internal controls.

#### 7. Discussion – Approach to Strategic Planning

Mayor Dickinson gave an overview of a strategic planning process. Council member Kitselman asked for an example of the type of initiative being described. Mayor Dickinson offered the water hydrant replacement project. Recorder Arnold said that this type of planning is being done. Mayor Dickinson said she wished to pull in those planning efforts and look at things as a whole. Council member Kitselman said that staff does this type of planning work routinely. Mayor Dickinson said there is no timeline, but that the process starts with discussion and will involve identifying mission, vision, and core values. Council member Kitselman said that the summit process has already been done, noting the program facilitated by Milt Herd within the last few years. Ms. Dunkle noted that the Community Summit document had been provided to the Mayor.

#### 8. Discussion – Committees

Mayor Dickinson highlighted new committees she wishes to form, saying the Town Administration Policy Committee will assist staff with developing town-wide policies. Recorder Arnold said that two rather than three Council members is a better option for standing committees.



Next, Mayor Dickinson said the FOIA Advisory Committee will act as an intermediary between the Town staff and Council and the citizen requester. Council member Kitselman said that no such committee is necessary since those who are not satisfied have an avenue to seek resolution, and that if there were a dispute he would want the Town Attorney involved rather than a citizen committee. He added that the Town has never been found to have done anything wrong in the area of FOIA. Recorder Arnold agreed that such a committee is unnecessary, and noted concern about possible litigation involving Council when the members who would make up such a committee are citizens rather than elected officials.

Mayor Dickinson explained the Economic Advisory Committee by saying it will be separate and apart from the County committee of the same name. She said she wants the committee to look at parts of the Town and make recommendations for economic development in those areas, and said she wants the perspective of business people who are not necessarily Town residents. Recorder Arnold said it is not necessary to duplicate the efforts of the County Economic Development Advisory Committee nor Berryville Main Street.

Mayor Dickinson explained the Community Improvement Committee will focus on the quality of life and will pull civic and religious groups together. She said she envisions residents coming on and going off the committee as projects dictate. Council member Kitselman said this group also overlaps the duties of the Berryville Main Street organization. Recorder Arnold noted the committee description and asked how the committee could maintain and increase property values. Mayor Dickinson replied that beautification projects would be planned. Council member Kitselman asked about the committee description of recommending ordinance amendments to Town Council and said that sounded like the duties of the Planning Commission. Mayor Dickinson said this committee would focus on HOAs. Recorder Arnold asked why the Town Council would want to get involved in HOAs. Mayor Dickinson referred to picking up trash cans and grass mowing, and Recorder Arnold said those issues are already enforced. Council member Gibson asked for the membership on the committee. Mayor Dickinson said the members are Council member Kitselman and Council member McDonald. She said the committee will review the description of duties.

8. Other

Recorder Arnold noted that the National Night Out sponsored by the Berryville Police Department is being held on August 2. He suggested this is a project the Community Improvement Committee could assist with, and Mayor Dickinson agreed.

Recorder Arnold asked Mr. Dalton about the discussion on electronic signatures. Mr. Dalton said he would deliver the information at the July 12 meeting if that met with approval.

9. Adjourn

**Upon motion of Council member Kitselman, seconded by Council member Tollett, and passed unanimously, the meeting was adjourned at 3:05 p.m.**

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Harry Lee Arnold, Jr.

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Ann W. Phillips, Town Clerk

# Additional Attachment

3b

TOWN OF BERRYVILLE  
TOWN COUNCIL  
MOTION TO ADOPT A CODE OF CONDUCT FOR THE TOWN COUNCIL

DATE: July 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville, in accordance with §3.14 of the Berryville Charter, adopts the attached Code of Conduct.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

## Town of Berryville Code of Conduct

The Mayor, Town Recorder, and Councilors representing the four wards, hereinafter recognized as "The Council," acknowledge the following Code of Conduct. This Code of Conduct shall apply to The Council during all meetings, committees, or sub-committees while representing the Town of Berryville in any way, and while in contact with town staff.

1. The Council will treat fellow councilors, citizens, staff, employees, and committee members with respect, and will not make accusatory or disparaging remarks at official council or committee meetings.
2. Members of The Council, as individuals, have no legal authority outside the meetings of The Council.
3. Members of The Council will not give direction to any Town Staff. Any request for action will be submitted to the Town Manager for consideration by The Council if necessary.
4. The Council will forward any citizens' complaints to the Town Manager. If any issue cannot be resolved by the Town Manager, he or she may forward it to The Council for a resolution.
5. The Council will forward any concerns about employees or staff to the Town Manager. Concerns about the Town Manager will be forwarded to the Mayor, Town Recorder, and Chairman of the Personnel Committee.
6. The Council will forward any concerns about a fellow councilor to the Mayor. Complaints involving the Mayor will be directed to the Town Recorder. The Mayor and/or Town Recorder will work to resolve any concerns.
7. The Council will not discuss any matter with the public that has been presented to the council in closed session.
8. The Council recognizes that documents related to Town Business, including all electronic transmittals sent or received in the performance of their duties as a Town Councilor, are subject to the requirements of the Freedom of Information Act.
9. To ensure the highest standards of respect and integrity during public meetings, The Council should:
  - A. Use formal titles. The Council should address the Council members such as, Mayor, (Town) Recorder, or Mr., Mrs., or Ms., followed by the individual's last name.
  - B. Be respectful of others and their opinions, and allow for the debate of issues.
  - C. Honor the role of the presiding officer in maintaining order and equity. Respect the efforts to focus discussion on current agenda items.
  - D. Refrain from engaging the citizens in dialogue during public comments or hearings. For clarification purposes, The Council may ask the person speaking for additional information when they make a presentation.

If by affirmative vote of the majority of The Council, a Councilor is deemed to be in violation of the Code of Conduct, the Councilor shall receive a warning from the Mayor or Town Recorder.

If a Councilor is found to be repeatedly in violation of The Code of Conduct, The Council may, by an affirmative vote of a majority of The Council, officially censure that Councilor.

# Additional Attachment

3c

TOWN OF BERRYVILLE  
TOWN COUNCIL  
MOTION TO CREATE THE FOLLOWING STANDING COMMITTEES: FOIA  
ADVISORY COMMITTEE, ECONOMIC DEVELOPMENT ADVISORY  
COMMITTEE, AND TOWN ADMINISTRATION POLICY COMMITTEE

DATE: July 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville create the following standing committees: FOIA Advisory Committee, Economic Development Advisory Committee, and Town Administration Policy Committee.

I further move that the newly created committees are to be staffed and charged in accordance with the attached documents.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

# FOIA Advisory Committee

The FOIA Advisory Committee is a standing committee authorized by the Town Council.

## Background

The Virginia Freedom of Information Act (VFOIA) has as its guiding principle openness and transparency so that Virginia citizens may know how their elected officials are conducting public business. Except for specific exemptions as defined in the State Code, citizens are allowed to examine and be provided copies of public records if requested.

## Purpose

The purpose of the FOIA Advisory Committee is to foster dialog between Town Administration and the requester community and to develop consensus recommendations for improving FOIA administration as well to make proactive disclosure recommendations.

It is important that the FOIA Advisory Committee operate independently, without influence from either members of Town Council or Town Administration.

## Major Committee Functions

The FOIA Advisory Committee is responsible to

- establish an informal mediation program with the intent of reducing the number of FOIA-request related legal actions,
- recommend to Town Council updates and changes of the Town FOIA Policy, and
- recommend updates to the town website.

The FOIA Advisory Committee Chair reports to Town Council.

## Committee Members

The Town's FOIA Advisory Committee is comprised of no fewer than 3 and no more than 5 appointed citizens, a non-voting liaison from Town Council, and a non-voting secretary (Town FOIA Officer). With the exception of the council liaison and secretary, each committee member is appointed to a two-year term. Once a year the Committee members elect a Chair and Vice Chair from the voting members to oversee meetings and report to Council.

The terms of the Council Member Liaison and of the town FOIA officer shall be coextensive with the term of office to which he/she has been elected or appointed. The remaining members of the committee first appointed shall serve respectively for terms of one (1) year and two (2) years, divided equally, or as nearly equal as possible, between the members. Subsequent appointments shall be for terms of two (2) years each.

Any vacancy in the membership of the FOIA Advisory Committee shall be filled by appointment by the council and such appointment shall be for the unexpired term.

# Economic Development Advisory Committee

The Economic Development Advisory Committee (EDAC) is a standing committee authorized by the Town Council to provide advice on matters relating to the promotion of a sound economy for the Town. The Committee makes recommendations on new policies and programs to strengthen the Town's commercial tax base by supporting the existing business community and encouraging new businesses to locate within the Town. The Committee supports its recommendations with research on the economic health of the Town and the business needs of the community.

## Purpose

The EDAC is responsible to create a strategic vision of economic development in Berryville, develop long range strategic plans as well as tactical plans to realize the vision. The EDAC deliverables will be used to inform the Berryville Strategic Plan as well as annual tactical plans.

## Goals

The strategic vision should address how to market Berryville as a business friendly community and recommend actions that will allow the town to compete and succeed in a regional economy. Advise Council and Town Administration on methods that will create an environment in which town government is viewed as a business ally and resource.

Some of the matters that the committee will address are town regulations, town procedures, economic development visions for target areas in the town, and the feasibility of various economic development tools such as Tourism Zones.

## Committee Members

The Economic Development Advisory Committee is comprised of no fewer than five (5) members and no more than nine (9) members appointed, a non-voting Town Council Member liaison, and a non-voting secretary (Town Planner). Members of this committee must be residents of Berryville or have business interests in the town of Berryville, Clarke County or the immediate surrounding area. With the exception of the council liaison and secretary, each committee member is appointed to a two-year term. Once a year the Committee members elect a Chair and Vice Chair to oversee meetings and report to Council. The Chair and Vice Chair must be voting members.

The terms of the Council Member Liaison and of the town Planner shall be coextensive with the term of office to which he/she has been elected or appointed. The remaining members of the committee first appointed shall serve respectively for terms of one (1) year and two (2) years, divided equally, or as nearly equal as possible, between the members. Subsequent appointments shall be for terms of two (2) years each.

Any vacancy in the membership of the Economic Development Advisory Committee shall be filled by appointment by the council and such appointment shall be for the unexpired term.



# Town Administration Policy Committee

The Town Administration Policy Committee is a standing committee with no fewer than three members of Town Council works in partnership with town administration managers to develop town-wide policies. A policy is a guide for discretionary action. Although sources for the formation of policy appear on many levels in the town, only the town council can adopt policies. Through its policies the council establishes purposes and directions for the town and directs the kinds of action the administration and staff may take. Where appropriate and possible, policies offer administrators sufficient freedom to use their professional knowledge and judgment.

The Town Manager, Town Attorney and Town Treasurer are ex-officio members of the Policy Committee. The Policy Committee meets as needed to formulate, review and recommend to Town Council policy recommendations.

## Purpose:

The Town Administration Policy Committee is responsible for the creation of a Town Administration Policy Manual. The policies, and their associated procedures (as prepared by Town Staff), formalizes town council expectations and provides guidance to town administrators. Carefully considered and correctly implemented policies and procedures increases the likelihood of an organization achieving stated goals and objectives. Each policy statement must provide a rationale for the policy, including underlying philosophy of the policy and what the policy hopes to accomplish.

## Major Committee Functions Include:

The committee shall create a Berryville Policy Manual that is published on the town website. The primary functions include:

- Develop a process and governance framework through which town policies are formulated, vetted, approved, reviewed, maintained, communicated and enforced.
- At the direction of Town Council, the Town Administration Policy Committee will respond to the need for policy review and will write new policies that might arise from administrative recommendations, citizen's requests, and/or statutory requirements or specific Council member concerns.
- Assess existing policies for coverage, including consistency or conflict with other policies, evaluate current practice of compliance with the policies, and distinguish between policies and procedures.
- Review procedure statements which accompany policies to ascertain conformance with town policy.

All decisions shall be reached by consensus or vote of a simple majority of the total membership of the committee. The group consensus and/or voting of the Town Administration Policy Committee will be summarized and presented to the Council for action.

# Updated Attachment

6

TOWN OF BERRYVILLE  
TOWN COUNCIL  
MOTION TO WITHHOLD EXPENDITURES FROM THE  
FISCAL YEAR 2017 BUDGET

DATE: July 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:

- Compensation Increases for exempt employees
- VDOT Street Maintenance Equipment Purchase (\$125,500)
- Public Works Improvements (\$62,250)
- Purchase of Police Cruiser (\$43,350)

I further move that the Budget and Finance Committee is hereby directed to review the above-referenced budget items and provide the Town Council with a recommendation regarding whether the monies for the budget items should be spent.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Withholding of Expenditure of items budgeted in the Fiscal Year 2017 Town of Berryville Budget pending further review and approval of an expenditure not to exceed \$25,000 to have a qualified accounting firm map town accounting systems and internal controls

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This matter has been placed on the Town Council agenda in accordance with Mayor's Memorandum M16-003 (attached). In accordance with the above-referenced memorandum, the Town Council has before it three motions for consideration. Those motions are:

- 1) To withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:
  - Compensation increases for exempt employees
  - VDOT Street Maintenance Equipment Purchase (\$125,500)
  - Public Works Improvements (\$62,250)
  - Purchase of Police Cruiser (\$43,350)
- 2) To withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:
  - Emergency Medical Services (\$50,000)
  - CC Parks and Recreation (\$5,000)
- 3) To contract with a qualified account firm to map town accounting systems and internal controls with the cost of the work not to exceed \$25,000.

#### **Staff Comments**

##### Budget Amendment

Depending on what changes the Town Council ultimately desires to make to the approved budget it may be necessary to hold a public hearing on the budget amendment.

##### Compensation Increase for Exempt Employees

These funds were included in the approved budget and the funds appropriated; therefore, staff requests clear direction regarding how to move forward in this regard. It is also important to note that the payroll for these four employees will be processed on 13 July.

##### VDOT Street Maintenance and Public Works Improvements

The Equipment Purchase Line item under the category of VDOT Street Maintenance provides for purchase of the following equipment:

|                         | VDOT FUNDS | Town Funds |
|-------------------------|------------|------------|
| Dump Truck              | 115,000    | 0          |
| 8' Plow for 2016 Truck  | 6,000      | 0          |
| Dump Bed for 2009 F 350 | 4,500      | 4,500*     |

\* See PW Ton Dump Bed line item under Capital Outlay category

The new dump truck would replace the 1999 GMC 7500 which has significant rust on the frame and undercarriage. Parts for the truck are becoming difficult to acquire. This truck is used for snow removal and hauling of materials.

The 8' plow would be installed on the 2016 truck that is primarily driven by the Public Works Director. This plow would be used for plowing snow.

The dump bed would be installed on a 2009 F350. The existing dump bed has extensive rust damage. This truck is used for plowing snow and hauling materials.

The Public Works Improvements line item under the category of VDOT Street Maintenance provides for the following expenditure to construct a 120' x 40' building at the Public Works Facility on Tom Whitacre Circle:

|                           | VDOT FUNDS | Town Funds |
|---------------------------|------------|------------|
| Public Works Improvements | 62,250     | 24,750**   |

\*\* See Public Works Improvements line item under Capital Outlay category

The building would be used to provide cover for equipment and materials.

Staff notes that delay in purchasing the dump truck may result in the truck (if ultimately purchased) arriving after the beginning of the snow removal season. Likewise delays in the construction of the building at the Public Works Facility could result in an additional delay should this year's construction season be missed.

Staff requests that the Streets and Utilities Committee also review this matter in order to contemplate how it will advise the Town Council regarding projects on which it will expend \$187,750 in VDOT funds should these line items be eliminated. It will of course also be necessary to address whether the \$29,250 in local funds will be spent.

#### Police Cruiser

The Police Cruiser line item under the Capital Outlay category provides for an expenditure of \$43,530 for the purchase of a new police cruiser and related accessories. Attached is a report on the status of the Berryville Police Department Fleet.

The new cruiser would replace a 2010 Crown Victoria Police Interceptor.

#### Payment to County

These funds were included in the approved budget and the funds appropriated; therefore, staff requests clear direction regarding how to move forward in this regard. It is important to note that generally these payments are made to the County immediately following the beginning of the calendar year.

#### Accounting Systems and Internal Controls Mapping

Once this matter is approved by the Town Council, staff will work with the Budget and Finance Committee to issue a Request for Proposals for this service.

REC 7/5/16  
JED

MEMORANDUM

TO: KEITH DALTON, BERRYVILLE TOWN MANAGER  
FROM: PATRICIA DICKINSON, BERRYVILLE MAYOR  
SUBJECT: MOTIONS FOR TOWN COUNCIL MEETING (JULY 12, 2016)  
DATE: JULY 5, 2016

Please include the following motions in the agenda for the July 12, 2016 Town Council Meeting:

- Motion to withhold the following budgeted items: Compensation increases for all exempt employees [NOTE: compensation increases for non-exempt employees are to proceed as planned], VDOT Street Maintenance Equipment Purchase (\$125,500), Public Works Improvements (\$62,250), and purchase of Police Cruiser (\$43,350). The above listed items will be reviewed by the Finance Committee and recommendations brought to Town Council before further action can be taken.
- Motion to withhold payment to Clarke County on the budgeted items for Emergency Medical Services (\$50,000) and CC Parks and Recreation (\$5,000).
- Motion for the Town of Berryville to contract with a qualified accounting firm to map town accounting systems and internal controls. The cost of the project is not to exceed \$25,000. The Town Council Finance Committee is responsible to hire a qualified accounting firm to conduct the mapping and are to provide project oversight.

Please ensure that no action is taken by town staff, contractors or others that would circumvent or negate the above listed motions until each motion is addressed by Council.

If you have questions, or need more information regarding this request, please let me know.

Sincerely,



Patricia Dickinson  
Mayor

M16-003



# Berryville Police Department

101 Chalmers Ct., Suite A, Berryville, Virginia 22611

[policeadmin@berryvilleva.gov](mailto:policeadmin@berryvilleva.gov)

(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

## Berryville Police Department Fleet Status

In order to make an informed decision about funding the FY 16-17 capital improvement project (CIP) of the replacement of a police cruiser I have prepared the following data. The current CIP was designated for the replacement of a 2010 Ford Crown Victoria Police Interceptor (CVPI) with a 2016/17 Ford Police Interceptor Utility Vehicle. The goal is to maintain a fleet of five vehicles, two of which would be all wheel drive sport utility vehicles. Having two such vehicles will keep the fleet mobile during inclement weather, specifically snow events which often require all wheel drive vehicles in order to remain mobile. The cost reflected in the FY 16/17 purchase also included the replacement of all of the equipment for the vehicle aside from the radio system. This equipment needs to be replaced because it is either aging or could not be transferred from the CVPI to a PI Utility vehicle.

| Fleet ID | Make      | Model Year | Style      | Mileage | Engine Hours |
|----------|-----------|------------|------------|---------|--------------|
| 01       | Ford      | 2010       | CVPI       | 96,269  | N/A          |
| 02       | Ford      | 2014       | PI Utility | 48,182  | 3347         |
| 03       | Ford      | 2010       | CVPI       | 89,762  | 8286         |
| 04       | Ford      | 2011       | CVPI       | 72,031  | 3237         |
| 06       | Chevrolet | 2008       | Impala     | 70,331  | N/A          |

| Repair and Maintenance Costs |          |          |          |
|------------------------------|----------|----------|----------|
| Fleet ID                     | FY 2014  | FY 2015  | FY 2016  |
| 01                           | 1,491.74 | 1,371.17 | 1,674.96 |
| 02                           | 0        | 299.31   | 1,067.34 |
| 03                           | 1,545.93 | 1,868.38 | 1,868.38 |
| 04                           | 1,805.97 | 312.38   | 1,097.73 |
| 06                           | 1,056.71 | 257.19   | 515.94   |

| Budget Cycles and Funding |  |
|---------------------------|--|
| FY 2010-11                | Vehicles 01 and 03 Replaced                |
| FY 2011-12                | Vehicle 04 Replaced                        |
| FY 2012-13                | No Vehicle Request Made                    |
| FY 2013-14                | Vehicle 02 Replaced                        |
| FY 2014-15                | Vehicle Replacement Requested – Not Funded |
| FY 2015-16                | Vehicle Replacement Requested – Not Funded |
| FY 2016-17                | Vehicle Replacement Requested - Funded     |



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(540) 955-3863 (540) 955-0207 (Fax)

W. Neal White – Chief of Police

| Annual Fleet Mileage |        |                 |
|----------------------|--------|-----------------|
|                      | Total  | Vehicle Average |
| 2011                 | 64,282 | 10,714*         |
| 2012                 | 52,669 | 8,778*          |
| 2013                 | 58,716 | 9,786*          |
| 2014                 | 60,326 | 12,065          |
| 2015                 | 42,156 | 8,431           |

*\* During these years the fleet consisted of six (6) vehicles*

In addition to the data presented, it is also useful to know that the particular type of driving and patrol utilized by the department diminishes the overall life expectancy of the police cruisers relative to a standard vehicle. A majority of the driving done in and around town is within a 25 mph zone which causes carbon and resultant water to build up in the vehicle exhaust system. The vehicles also idle for long periods of time when officers are performing traffic enforcement activities. For vehicles equipped with an engine hour gauge, I have provided that information as well. The vehicles are also equipped with an array of devices that utilize power from the battery and can age the charging system of the vehicle more quickly than a standard use vehicle.

The overall strategy of the department concerning replacement of vehicles has been to replace a vehicle a year for five years, and then skip a year. This way vehicles are being rotated out after five years and around 90,000 to 100,000 miles. Using this methodology, the department does not have to request funding to purchase multiple vehicles in a single fiscal year. You will note from the budget cycle table above that the department is already outside of this strategy because during the two previous fiscal cycles requests for vehicle replacements were not funding due to budgetary constraints.



# Updated Attachment

7

TOWN OF BERRYVILLE  
TOWN COUNCIL  
MOTION TO WITHHOLD  
EXPENDITURES (PAYMENTS TO CLARKE COUNTY) FROM THE  
FISCAL YEAR 2017 BUDGET

DATE: July 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:

- Emergency Medical Services (\$50,000)
- CC Parks and Recreation (\$5,000)

I further move that the Budget and Finance Committee is hereby directed to review the above-referenced budget items and provide the Town Council with a recommendation regarding whether the monies for the budget items should be spent.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Withholding of Expenditure of items budgeted in the Fiscal Year 2017 Town of Berryville Budget pending further review and approval of an expenditure not to exceed \$25,000 to have a qualified accounting firm map town accounting systems and internal controls

---

This matter has been placed on the Town Council agenda in accordance with Mayor's Memorandum M16-003 (attached). In accordance with the above-referenced memorandum, the Town Council has before it three motions for consideration. Those motions are:

- 1) To withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:
  - Compensation increases for exempt employees
  - VDOT Street Maintenance Equipment Purchase (\$125,500)
  - Public Works Improvements (\$62,250)
  - Purchase of Police Cruiser (\$43,350)
- 2) To withhold the following expenditures from the Fiscal Year 2017 Budget pending review by the Budget and Finance Committee:
  - Emergency Medical Services (\$50,000)
  - CC Parks and Recreation (\$5,000)
- 3) To contract with a qualified account firm to map town accounting systems and internal controls with the cost of the work not to exceed \$25,000.

#### **Staff Comments**

##### Budget Amendment

Depending on what changes the Town Council ultimately desires to make to the approved budget it may be necessary to hold a public hearing on the budget amendment.

##### Compensation Increase for Exempt Employees

These funds were included in the approved budget and the funds appropriated; therefore, staff requests clear direction regarding how to move forward in this regard. It is also important to note that the payroll for these four employees will be processed on 13 July.

##### VDOT Street Maintenance and Public Works Improvements

The Equipment Purchase Line item under the category of VDOT Street Maintenance provides for purchase of the following equipment:

|                         | VDOT FUNDS | Town Funds |
|-------------------------|------------|------------|
| Dump Truck              | 115,000    | 0          |
| 8' Plow for 2016 Truck  | 6,000      | 0          |
| Dump Bed for 2009 F 350 | 4,500      | 4,500*     |

\* See PW Ton Dump Bed line item under Capital Outlay category

The new dump truck would replace the 1999 GMC 7500 which has significant rust on the frame and undercarriage. Parts for the truck are becoming difficult to acquire. This truck is used for snow removal and hauling of materials.

The 8' plow would be installed on the 2016 truck that is primarily driven by the Public Works Director. This plow would be used for plowing snow.

The dump bed would be installed on a 2009 F350. The existing dump bed has extensive rust damage. This truck is used for plowing snow and hauling materials.

The Public Works Improvements line item under the category of VDOT Street Maintenance provides for the following expenditure to construct a 120' x 40' building at the Public Works Facility on Tom Whitacre Circle:

|                           | VDOT FUNDS | Town Funds |
|---------------------------|------------|------------|
| Public Works Improvements | 62,250     | 24,750**   |

\*\* See Public Works Improvements line item under Capital Outlay category

The building would be used to provide cover for equipment and materials.

Staff notes that delay in purchasing the dump truck may result in the truck (if ultimately purchased) arriving after the beginning of the snow removal season. Likewise delays in the construction of the building at the Public Works Facility could result in an additional delay should this year's construction season be missed.

Staff requests that the Streets and Utilities Committee also review this matter in order to contemplate how it will advise the Town Council regarding projects on which it will expend \$187,750 in VDOT funds should these line items be eliminated. It will of course also be necessary to address whether the \$29,250 in local funds will be spent.

#### Police Cruiser

The Police Cruiser line item under the Capital Outlay category provides for an expenditure of \$43,530 for the purchase of a new police cruiser and related accessories. Attached is a report on the status of the Berryville Police Department Fleet.

The new cruiser would replace a 2010 Crown Victoria Police Interceptor.

#### Payment to County

These funds were included in the approved budget and the funds appropriated; therefore, staff requests clear direction regarding how to move forward in this regard. It is important to note that generally these payments are made to the County immediately following the beginning of the calendar year.

#### Accounting Systems and Internal Controls Mapping

Once this matter is approved by the Town Council, staff will work with the Budget and Finance Committee to issue a Request for Proposals for this service.

REC 715116  
1607

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MEMORANDUM

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TO: KEITH DALTON, BERRYVILLE TOWN MANAGER  
FROM: PATRICIA DICKINSON, BERRYVILLE MAYOR  
SUBJECT: MOTIONS FOR TOWN COUNCIL MEETING (JULY 12, 2016)  
DATE: JULY 5, 2016

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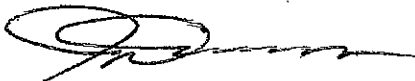
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Please ensure that no action is taken by town staff, contractors or others that would circumvent or negate the above listed motions until each motion is addressed by Council.

If you have questions, or need more information regarding this request, please let me know.

Sincerely,



Patricia Dickinson  
Mayor

M16-003

# Updated Attachment

8

TOWN OF BERRYVILLE  
TOWN COUNCIL  
MOTION TO CONTRACT WITH AN ACCOUNTING FIRM TO MAP TOWN  
ACCOUNTING SYSTEMS AND INTERNAL CONTROLS

DATE: July 12, 2016

MOTION BY:

SECOND BY:

I move that the Council of the Town of Berryville contract with a qualified accounting firm to map town accounting systems and internal controls for a cost not to exceed \$25,000.

I further move that the Budget and Finance Committee is hereby authorized and directed to hire the qualified accounting firm to conduct the mapping and provide project oversight.

VOTE:

Aye:

Nay:

Absent/Abstain:

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

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#### Accounting Systems and Internal Controls Mapping

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222 7/5/16  
1604

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MEMORANDUM

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FROM: PATRICIA DICKINSON, BERRYVILLE MAYOR  
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Sincerely,



Patricia Dickinson  
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M16-003